

THE FOLLOWING RULES WERE AMENDED OR ADOPTED
ON DECEMBER 15,1994 AT THE ADMINISTRATIVE JUDGES MEETING

RULE 3.34 ALTERNATIVE DISPUTE RESOLUTION

OLD TEXT:

Cases may be referred to alternative dispute resolution by the Judges of the Courts of Webb County on their own motion or on motion of one of the parties, subject to the discretion of the assigned judge presiding at settlement week.

NEW TEXT:

A. POLICY: Cases may be referred to alternative dispute resolution by the judges of the courts of Webb County on their own motion or on motion of a party, subject to the discretion of the Presiding Judge.

B. PROCEDURE: Counsel and/or parties requesting the appointment of a mediator shall promptly advise the Presiding Judge of such request. No case shall be referred to mediation and no mediator shall serve or be appointed prior to the entry by the Presiding Judge of the court where the case is on file of an appropriate Order referring the case to mediation unless otherwise agreed and ordered by the Presiding Judge. The order shall require that the parties mediate on or before a date certain. Nothing in this rule shall prevent counsel and/or parties from reaching an agreement to designate a person to serve as mediator in a case; provided, however, that such designation shall be confirmed by written Order of the Presiding Judge of the court in which the case is pending, and provided further, that such designation is not otherwise in conflict with this rule. The mediator shall be entitled to only one fee as may be agreed to and/or ordered by the court and upon completion of their work in any case shall promptly report the total amount of fees charged or collected for their services rendered in said case and the identity of person(s) paying said fees.

C. PERSONS QUALIFIED: In all cases, notwithstanding any agreement of counsel and/or parties to the contrary, no visiting or Presiding Judge in such case nor any person appointed as Guardian/Attorney Ad-Litem in such case shall also serve as mediator in said case.

RULE 4.18 AD LITEM APPOINTMENTS:

OLD TEXT:

No local rule under this subdivision.

NEW TEXT:

See local rule 3.34.

C. **PERSONS QUALIFIED**: In all cases, notwithstanding any agreement of counsel and/or parties to the contrary, no visiting or Presiding Judge in such case not any person appointed as Mediator in such case shall serve as Attorney/Guardian Ad-Litem in said case. All persons appointed to serve as Attorneys/Guardians Ad-Litem shall be qualified to serve in such capacity under applicable law.

RULE 6.13 APPOINTMENT OF COUNSEL:

OLD TEXT:

A. **Sworn Application** - Defendants claiming inability to employ counsel must file a sworn application.

B. Appointment:

1. The court may in its discretion appoint attorneys from the private bar when the public defender's office has a conflict of interest or for any other good reason.
2. Attorneys who file a motion to withdraw based on the client's failure to pay attorney's fees may be subject to appointment by the court.

C. **Appointment Continues** - If an attorney was appointed by a magistrate to represent the defendant throughout the proceedings. The attorney should continuously monitor the status of the defendant's case. Counsel is directed to follow the directives in Local Rule 6.14

D. **Compensation** - Counsel will be compensated according to the rate schedule pursuant to Tex. Code Crim. Pro. 26.25, adopted by the judges at their administrative meetings on an annual basis. District clerk's office shall mail a pre-numbered voucher form to the attorneys from the private bar when they are appointed. Attorneys shall submit a voucher for payment at the conclusion of the case for the work done before that particular court.

NEW TEXT:

The court may in its discretion appoint attorneys from the private bar when the public defender's office has conflict of interest,

which shall be raised at the inception of the appointment, but no later than the arraignment date.

Withdrawals by the public defender's office for any other good reason may be heard and or granted by the court in its discretion.

RULE 6.17 DISCOVERY:

OLD TEXT:

A. Discovery shall be conducted in accordance with Article 39.14 of the Texas Code of Criminal Procedure.

B. Any motion for discovery shall state with particularity the items sought to be produced and shall be accompanied by an order that provides a space that are agreed to and for the granting or denying of each separate item that is contested. (See 6.17(C))

C. Any motion for discovery shall be deemed premature unless counsel have made a good faith effort to obtain discovery from the district attorney's office. Any motion before the court shall not be considered unless it is accompanied by a certification (1) that the district attorney and defense counsel have conferred/not conferred on each item in the motion/s; (2) the attempts made to confer in person or by telephone, including the dates and times those conferences or attempts took place; (3) whether there was/was not open file discovery; (4) that the district attorney and defense counsel have been unable to reach an agreement on the motion and require a hearing on the motion. (See Local Rule 3.24A).

NEW TEXT:

Delete section c.

RULE 6.18 DOCKET CALLS/ANNOUNCEMENTS:

OLD TEXT:

Docket Calls, Arraignments, Announcements and Pre-trials:
The times for docket calls, arraignments, and pre-trial hearing on all cases shall be governed by the judge of the court in which the case is docketed.

The final order of trial shall be determined in accordance with Local Rule 6.22 and shall be announced by the court/court coordinator no later than the Thursday before jury selection at 3:00 p.m. In the event a case is not going to proceed to trial, the attorney(s) causing the cause not to go to trial, for whatever reason, shall notify the court coordinator no later than 3:00 p.m. on Thursday before the case is set for jury trial said attorney not obtain a continuance at the time and the case does not proceed to trial when called by the court, the court may assess the actual costs of the entire jury panel against the party(ies) represented by said attorney and/or any other party(ies) in such proportions as may be warranted, absent good cause. The court shall not assess any such costs if the panel is sworn for the trial of another case.

NEW TEXT:

Docket calls, Arraignments, Announcements and Pre-trial. The times for docket calls, arraignments, and pre-trial hearing on all cases shall be governed by the Judge of the court in which the case is docketed.

The final order of trial shall be determined in accordance with Local Rule 6.22 and shall be announced by the court/court coordinator no later than the Tuesday before jury selection at 3:00 p.m. In the event a case is not going to proceed to trial, the attorney(s) causing the cause not to go to trial, for whatever reason, shall notify the court coordinator no later than 3:00 p.m. on Thursday before the case is set for jury trial to obtain a setting for his/her motion for continuance. Should said attorney not obtain a continuance at the time and the case does not proceed to trial when called by the court, the court may assess the actual costs of the entire jury panel against the party(s) in such proportions as may be warranted, absent good cause. The court shall not assess any such costs if the panel is sworn for the trial of another case.

Hon. Manuel R. Flores
49th District Court

Hon. Antonio A. Zardenetta
111th District Court

Hon. Elma T. Salinas Ender

Hon. Raul Vasquez

341st District Court

County Court at Law I

Hon. Jesus Garza
County Court at Law II

APPROVED BY, Honorable Olin B. Strauss, Administrative Judge,
Fourth Administrative Region, on the _____ day of _____,
1994.

Honorable Olin B. Strauss
Administrative Judge
Fourth Administrative Region

APPROVED BY, the Supreme Court, State of Texas, on the
_____ day of _____, 19____.

Hon. Thomas R. Phillips, Chief Justice
State of Texas Supreme Court